

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: October 14,
1953

FROM : THE EXECUTIVES' CONFERENCE

SUBJECT: DISSEMINATION OF INFORMATION BY THE BUREAU OUTSIDE THE
EXECUTIVE DEPARTMENTS

The Executives' Conference, consisting of Messrs. Ladd, Nichols, Clegg, Glavin, Harbo, Tracy, Mellon, Gandy and Belmont, on October 14, 1953, considered current policy relative to furnishing information from Bureau files outside of the Executive Departments and made recommendations as to future procedures. As the problem covers a wide area, it is broken down, as set forth below, under separate captions with the Executives' Conference recommendation as to each:

(1) Dissemination Under Program "Responsibilities of the
FBI in the Internal Security Field"

Under this program the Bureau volunteers information regarding subjects who are on the Security Index to the Governor of a state, or to a responsible local official, whoever is most appropriate under the circumstances, when the subject is employed in a public utility outside the vital facilities list (dissemination re vital facilities list is made to Armed Forces), or in a public or semi-public organization. In each instance the Bureau specifically passes upon the information to be disseminated; the dissemination is oral; and the field is required to furnish a statement regarding the reliability and discretion of the individual to whom the information is to be given before authority is granted.

The "Responsibilities Program" was initiated as a result of the conference on February 12, 1951, between the Director and a Committee of Governors appointed by the Executive Committee of the Governors' Conference. The Committee was designated to come to Washington for the purpose of developing greater coordination in the field of internal security between the state and Federal governments.

The basis for the Bureau's present policy under this Program is a memorandum dated February 13, 1951, which points out that if we consider the fact that the Bureau is responsible for the internal security of the country as a whole and that public utilities, public organizations and semi-public organizations are serving large portions of the people, it is plain

CC - Mr. Clegg
Mr. Mohr

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that we have a responsibility for the protection of the facilities when we have information of a subversive nature affecting them. The memorandum points out that our responsibility is to the people and, therefore, the recipient of any information we may furnish should be the state or local governor, or police department, representing the people. This was discussed at Executives' Conference on February 16, 1951, and instructions were sent to the field by SAC Letter #19 dated February 17, 1951. The field was instructed that local conditions would govern the selection of the agency to which the information was to be volunteered; in some instances it would be advisable to furnish information to the governor, and in others, more advisable to deal directly with some local official with whom the field office had excellent relations and whose discretion had been established, such as the Chief of Police or Mayor.

Under this Program the Bureau has disseminated information regarding subjects of Security Index cards to a large number of state and local officials. Our requests that the relationship be kept confidential have been honored in nearly all cases. However,

to whom we recently volunteered information in confidence regarding an employee of revealed to the press under political pressure that the Bureau was his source of information. There have been one or two other instances wherein it was indicated that a confidential arrangement in furnishing this information was abused, but not as flagrant as in the case of In each instance where our confidence is abused, a question is, of course, raised regarding our standard claim that the files of the FBI are confidential.

Executives' Conference Recommendation:

The Executives' Conference unanimously felt that the advantages of disseminating information under this program outweigh the disadvantages and that the Bureau under this program is meeting a responsibility to the people of this country. The Conference felt further that this program is the Bureau's answer to any claims by state or local officials that the Bureau is not cooperating in the security field. The Conference unanimously felt that dissemination should continue to be restricted to Security Index subjects and that we should not volunteer information regarding individuals not

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↑ Responsibilities Program

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on the Security Index. Any exceptions to this rule should be most carefully considered. The Conference vote was split as to the method of dissemination:

Messrs. Ladd, Gearty, Holloman and Belmont recommended that hereafter dissemination under this program should be made confidentially to the state governor, or in his absence or if reason exists why it should not be furnished to the governor, to another responsible state official recommended by the field office. If a good reason exists why the information cannot be given to the governor or state official, we can then consider as an exception furnishing the information to a reliable local official. This procedure would have the effect of keeping our dissemination on a high state level and restricting dissemination to 48 states, rather than to numerous local officials.

Messrs. Harbo, Glavin, Nichols, Clegg and Tracy recommended that we continue as under our current policy, i.e., that the information be disseminated to the governor of the state or other state official, or to a responsible local official or chief of police, whoever is the most appropriate under the circumstances, with the understanding in each case that the information is furnished confidentially. They pointed out that if we restrict dissemination to the state level, the governor will have to pass the information along to local officials who can take action and, consequently, more persons than absolutely necessary will be cognizant of the dissemination by the Bureau. They felt that local officials will honor the confidential nature of the information to a greater degree if the Bureau deals directly with them.

(2) Name Checks for State Governors

As a result of the conference on February 12, 1951, with representatives of the Governors' Conference, they were advised that if the governors desired information concerning an individual to be appointed to a state government office, the Bureau would furnish information to that governor in response to his request. We have provided information to several state governors including Governor Warren, Governor Fine and others. Recently, we discontinued information to Governor Fine.

Executives' Conference Recommendation:

The Executives' Conference unanimously recommended that we continue to accept such requests from governors and confine our name checks to requests re persons being considered for appointment to a state government position and that the material furnished should be public source material. Each request will be considered on its merits and if a reason exists why the information should not be furnished, the request will, of course, not be honored.

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(3) Red Cross

On January 14, 1943, Ugo Carusi, then Executive Assistant to the Attorney General, recommended to the Director that the FBI furnish to the American National Red Cross memoranda in response to their requests for name checks. We have made name checks for the Red Cross since that time, but do not furnish them the results of loyalty investigations. Because of their close association with the defense effort and the fact that the President of the United States is the honorary head of the American Red Cross, it has generally been regarded as a quasi governmental agency.

Executives' Conference Recommendation:

The Conference unanimously recommended that we continue to make name checks for the Red Cross.

(4) Police Departments

Section 5D2a of the Manual of Rules and Regulations provides that upon receipt of a specific request for information, a field office may furnish information of a public source nature relating to subversive matters by blind memorandum to proper representatives of local and state law enforcement agencies. The Bureau's identity as source must be kept confidential.

Since July 27, 1950, the Bureau has processed names of applicants of the Metropolitan Police Department in view of the Director's opinion that the Metropolitan Police Department is semi-Federal, inasmuch as it polices the Nation's Capital.

The New York Office makes name checks of probationary patrolmen of the New York City Police Department with Bureau authority.

Executives' Conference Recommendation:

The Executives' Conference recommended that we continue our policy, as set forth above, regarding Police Departments.

(5) General Accounting Office; Government Printing Office; Library of Congress

Employees of these agencies are processed under Executive Order 10450 (Employees' Security Program) by Departmental authorization. Our investigative reports are furnished to these agencies through Civil Service Commission. These agencies occasionally submit names of persons who may have access to restricted areas or information to the Bureau for name checks.

Executives' Conference Recommendation:

The Executives' Conference unanimously recommended we continue these investigations and name checks.

FEDERAL BUREAU OF INVESTIGATION
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Executives' Conference Recommendation:

The Executives' Conference unanimously recommended that we continue the above policies as set forth.

(7) U. S. Courts.

We have received requests from time to time from Judges, including former Chief Justice Fred Vinson and Justice Tom Clark, for information from our files generally in connection with individuals they plan to employ in their offices. In such instances appropriate information has been furnished to these officials without obtaining Departmental approval.

Executives' Conference Recommendation:

The Executives' Conference unanimously recommended that we continue handling these requests as in the past.

(8) Sex Deviates.

Memorandum for Bureau Officials and Supervisors of June 20, 1951, set forth a uniform policy for furnishing information concerning allegations concerning present and past employees of any branch of the United States Government. In addition to specific instructions for furnishing information to the Executive Branch, specific individuals were designated to receive this type of information in the Legislative Branch, i.e., the United States Senate, the Botanical Gardens, the Library of Congress, the House of Representatives, General Accounting Office, and Government Printing Office. A specified individual was designated to receive information concerning sex deviates among employees of the Judicial Branch of the Government. In the past since the designation of this policy, dissemination has been made in accordance with the policy set forth.

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Executives' Conference Recommendation:

The Executives' Conference unanimously recommended that we continue our policy in connection with the dissemination of information on sex deviates.

(9) Other Individuals.

The general rule followed when requests are received for information from Bureau files from other individuals outside the Executive Branch of the Federal Government is to advise them that we are unable to assist in view of the confidential nature of FBI files and that we are not permitted to release such information except upon the expressed direction of the Attorney General. All requests of this type are individually considered and information is furnished where the best interests of the Bureau would be served after approval is given by responsible Bureau officials. Among the individuals who have been furnished information are members of the new Administration who were furnished information from our files prior to the change in Administration, ex-President Herbert Hoover, a Commissioner of Municipal Civil Service Commission in New York City, and the Department of Welfare in New York City.

Executives' Conference Recommendation:

The Executives' Conference unanimously recommended that we continue our rule that the files of the Bureau are confidential and that any exceptions to this rule must be most carefully considered.

(10) Bar Associations.

From time to time the Bureau has extended assistance to Bar Associations in selected situations when to do so appeared to be in the public interest. In several districts inquiries have been received from time to time regarding applicants to the Bar and information has been furnished on a confidential basis. In addition, requests have been received regarding disbarment proceedings, such as the current case involving attorney Emanuel Bloch in NY.

Executives' Conference Recommendation: The Conference unanimously recommended that we stop furnishing information to the Bar Associations in view of the fact that it appears from Mr. Nichols' memo of October 13, 1953, that the National Conference of Bar Examiners in Denver may have been abusing our confidence by advising that we have been furnishing information. Relative to disbarment proceedings, the Conference felt that each instance should be considered on the merits of the case. For example, in the case of [redacted], it is to the public interest that the Bureau furnish such information as is possible.

DISSEMINATION OF INFORMATION TO CONGRESSIONAL COMMITTEES:

Mr. Nichols presented to the Conference the matter of furnishing information to Congressional Committees. It was pointed out that we had furnished information to the following Congressional Committees:

Joint Committee on Atomic Energy
Senate Appropriations Committee
Senate Armed Services Committee
Preparedness Subcommittee to the Senate Armed Services Committee
House Committee on Un-American Activities
Senate Judiciary Committee
House Judiciary Committee
Senate Committee on Labor and Public Welfare
Subcommittee on Labor Management Relations of the
Senate Committee on Labor and Public Welfare
Senate Foreign Relations Committee--relations with Senator Wiley

We have furnished information to the Senate Investigating Committee up until the late Summer when the Committee appointed former Special Agent Carr as Staff Director. Since then no information has been furnished to this Committee.

It was further pointed out that there may have been some isolated requests from other Committees and there have been requests from Committees which are no longer functioning such as the Select Committee to Investigate Foundations (the old Cox Committee in the House). It was pointed out that as a matter of present relations, the Senate Internal Security Committee is the only Committee on which there is a continuing program of cooperation which was established by the Attorney General personally on March 15, 1951. Following the advent of the new Administration, this relationship has been continued.

It was the unanimous recommendation of Messrs. Ladd, Holloman, Belmont, Gearty, Clegg, Harbo and Nichols there be no change in relationship with the Internal Security Committee. Mr. Clegg pointed out that considerable good has come to the Bureau from/amiabie relationship with the Senate.

Those members of the Conference present also unanimously recommended that there be no change in the relations with the Senate and House Appropriations Committees and the Senate and House Judiciary Committees. Of course the cooperation extended the Joint Committee on Atomic Energy is pursuant to the law.

The Conference was unanimous, however, in recommending that requests from all other Committees be referred to the Department, which has been the traditional manner of responding to Congressional requests.

The Conference felt that the relationship with the Appropriations Committee was a little different inasmuch as the broad overall authority of the Appropriations Committee was different than that of any other Committee of Congress. The same reasoning was advanced with reference to the Judiciary Committee which has the overall supervision of the Department incomes.

I think we should send memo to Mr. and Mrs. Rogers - advising of our present policy - and requesting a similar study.
INVESTIGATION OF APPLICANTS FOR CONGRESSIONAL COMMITTEES:

On March 9, 1953, Mr. Rogers established as a matter of Departmental policy that the Bureau would continue to make applicant investigations for the following Committees of the House and the Senate:

1. Judiciary Committees
2. Appropriations Committees
3. Joint Committee on Atomic Energy
4. Armed Services Committee
5. Foreign Relations Committee

The Conference was unanimous in recommending no change in this proceeding.

REQUEST FOR NAME CHECKS FROM MEMBERS OF CONGRESS ON PROSPECTIVE EMPLOYEES:

The Conference was unanimous in recommending a continuation of our present procedure which is pretty much that of handling each request on an individual basis. Requests fall in the following categories:

- a. Where a Member of Congress requests background on a former employee, the service record is now furnished.
- b. Requests for name checks on individuals previously investigated by the Bureau for other Government agencies. At the present time there is no question about replying to such requests for the 5 Committees for whom we make applicant investigations. Others are handled on an individual basis.

The Conference recommended no change on handling the name check requests.

Respectfully,
For the Conference

Clyde Tolson